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TAGS: PHUM PGOV SOCI BR

SUBJECT: INDIGENOUS RIGHTS IN BRAZIL: GOB AND NGO
PERSPECTIVES

REF: A. BRASILIA 1325

1B. SAO PAULO 760

1. (U) SUMMARY. On July 5 poloffs met with Socio-Environmental Institute (ISA) NGO representatives Adriana Ramos, Coordinator of the ISA Law and Policy Program, and her assistant Fernando Baptista. ISA specializes in the defense of indigenous rights, and the promotion of sustainable environmental development. Participants discussed the Indigenous April campaign, the status of indigenous land ratification in Brazil, and the healthcare situation of indigenous infants and children in Mato Grosso do Sul (MS) state. To get the GOB's take on these and other issues, poloffs called on Roberto Lustosa, Vice-President of the Brazilian National Indian Foundation (FUNAI) on July 21. FUNAI is the Brazilian agency charged with shaping and implementing the GOB's indigenous policy. END SUMMARY.

INDIGENOUS APRIL CAMPAIGN

2. (U) The Forum on the Defense of Indigenous Rights (FDDI), in collaboration with NGOs and other institutions throughout Brazil, sponsored the "Indigenous April" Indian rights awareness campaign throughout the month of April. The goal of this month-long series of meetings, workshops, and rallies was to draw national attention to major issues of concern affecting indigenous populations, and to hold the GOB accountable for policies promised but not delivered to indigenous people. During the month, indigenous leaders, human rights activists, and NGOs including ISA, released a "Manifesto Against the Indian Policy of the Government" to demand that the GOB create a National Council for Indigenous Policies (CNPI) and immediately demarcate eleven pending claims (ref A). The manifesto condemned the GOB for granting moratoriums on land demarcation in heavily farmed areas in states such as Mato Grosso (MT), where soybean producers monopolize vast land holdings.

3. (U) According to Adriana Ramos and Fernando Baptista at ISA, approximately 700 Indian leaders participated in Indigenous April events in Brasilia. Event organizers met with GOB representatives including FUNAI President Mercio Gomes, Justice Minister Thomaz Bastos, and President Lula's former Chief of Staff Jose Dirceu to discuss April Manifesto demands. Ramos and Baptista complained to poloffs that the demands presented have been ignored by the GOB. (Note: Some of the proposals outlined in the manifesto have, in fact, been addressed by the GOB. For instance, the Raposa Serra do Sol indigenous reservation was ratified as a continuous indigenous territory by President Lula on April 15. Additionally, the creation of a National Council on Indigenous Policy (CNPI) is underway. End Note.)

Demarcation and Ratification of Indigenous Territories

4. (U) Demarcation, or the process to turn land into an indigenous reserve, requires that anthropologists and surveyors verify that indigenous people have historically occupied an area. The process is laboriously slow and it usually takes years, if not decades, to settle a claim. At ISA, Ramos and Baptista told poloffs that many indigenous lands are floating in legal limbo between the demarcation and ratification stages. Due to insufficient funding, much of the anthropological research required to ratify reservations remains uncompleted, they said. Ramos and Baptista also told poloffs that the Ministry of Justice (MOJ) has played an antagonistic role in the demarcation process. According to Ramos and Baptista, the MOJ has purposely delayed decrees recognizing indigenous lands due to pressure from local politicians.

5. (U) FUNAI Vice-President Lustosa dismissed this claim as naive, and explained to poloffs that the ratification process is not as simple as some imagine. Instead, it is complicated by the intervention of interested parties such as ranchers, land owners, and agribusinesses -* some of whom have bona fide claims to the land they occupy, he explained. Because of the legal complexities involved, the GOB has adopted a cautious approach to ratifying indigenous territories. The GOB considers all legal ramifications before making a decision to avoid reversing decisions later due to court

injunctions, Lustosa said. Despite the GOB's cautious policy, Lustosa maintained that the GOB has not fallen behind on land demarcations and ratifications, citing 54 indigenous territories that have been officially recognized during Lula's Presidency.

RAPOSA SERRA DO SOL RESERVATION

16. (U) Raposa Serra do Sol, an indigenous reserve in Roraima state in northern Brazil, is comprised of 1,743 million hectares and around 16,000 indigenous people living in 164 different indigenous villages. On April 15, President Lula ratified Raposa Serra do Sol as an indigenous territory and ended one of the most turbulent demarcation processes in Brazilian history. For over 30 years, a number of indigenous groups have struggled with local politicians and ranchers for rights to the land. The demarcation process has been delayed significantly due to court proceedings, widespread violence, and political campaigning from those opposed to the demarcation process. The Roraima state government and the Brazilian Armed Forces created the Uiramuta municipality, the Monte Roraima National Park, and an Army platoon within the area. State representatives allegedly promoted the creation of this municipality to slow the Raposa Serra do Sol demarcation process.

17. (U) Ramos and Baptista skeptically downplayed the presidential decree that ratified the area as a publicity stunt designed to sideline the GOB's indigenous policy detractors. Although the reservation was ratified as one continuous area, the two believed that not including the Uiramuta municipality was a grave error. Ramos and Baptista fear that this settlement will serve as a rallying base for all of those that actively seek to block the ratification of Raposa Serra do Sol.

18. (U) FUNAI Vice-President Lustosa maintained that Uiramuta presents no threat to the ratification process of Raposa Serra do Sol. Lustosa conversely contended that the small area of Uiramuta, lightly populated mainly by indigenous people, will serve as a convenient industrial outpost for the region. He also projected that, as in similar territories, Uiramuta will be absorbed by neighboring indigenous populations. When asked when the ratification process for Raposa Serra do Sol would be completed, Lustosa could not guarantee that it would be finished by the end of President Lula's mandate.

INDIGENOUS MALNUTRITION

19. (U) When questioned about the ongoing problem of malnutrition in Mato Grosso do Sul (MS) state (ref B), principally amongst infants in the Dourados municipality, FUNAI Vice-President Lustosa revealed that the GOB has adopted a new plan to combat hunger in MS by creating four additional indigenous territories surrounding Dourados. Dourados is home to the Guarani-Kaiowa Indians and has the most publicized incidence of indigenous infant mortality in Brazil. The GOB hopes that this new plan will provide local indigenous populations access to more arable land. In the meantime, FUNAI has partnered with the National Health Foundation (FUNASA), the Civil Defense, and the National Supply Company (CONAB) to provide food aid to 2,500 native Brazilians suffering from malnutrition in MS.

10. (U) Dourados is not the only municipality in Brazil that has serious problems with indigenous infant mortality. A 2005 study conducted by FUNASA cited other areas where mortality indices are actually worse. In indigenous communities in the states of Acre, Mato Grosso, and Para, indices of infant mortality per 1,000 has reached 115.4, 133.8, and 101.85 respectively. The study cites a lack of land access as the leading contributor of infant death, followed by poor sanitation. Despite the alarming statistics, the Director of FUNASA's Indigenous Health Department, Alexandre Padilha, believes that the national indices of indigenous infant mortality have been steadily declining in the last few years. The ratio has fallen from 74.6 in 2000 to 47.4 in 2004.

FUNAI IN FLUX

11. (U) FUNAI Vice-President Lustosa openly described the various GOB initiatives underway to improve indigenous policy management and delivery. As part of its push to restructure,8 FUNAI is promoting the creation of a National Council of Indigenous Policy (CNPI) which would serve as an independent GOB agency to oversee and coordinate the myriad of indigenous governmental programs. If implemented, CNPI could transform indigenous policy making

into a more inclusive process by uniting indigenous leaders and civil society organizations under the leadership umbrella of FUNAI. Creation of the CNPI is well underway with regional forums that are being held across Brazil to nominate representatives for a national conference to be hosted in Brasilia in April 2006. It is expected that some 800 Indian leaders will gather at this event to deliberate on the formation of the CNPI.

WHAT,S WRONG WITH FUNAI?

¶12. (U) FUNAI has a troubled history that predates its 1967 inception. FUNAI was created in 1967 to replace the Indian Protection Service (SPI) which was dissolved due to institutional corruption. Throughout the years FUNAI has been loudly criticized, and has subsequently had many of its duties expropriated. For example, in 1999 FUNAI relinquished its responsibilities for indigenous health to the National Health Foundation (FUNASA), in the Brazilian Ministry of Health. To provide better educational resources to Indian communities, responsibilities were likewise transferred from FUNAI to the Brazilian Ministry of Education (MOE).

¶13. (U) When asked about FUNAI's troubles, FUNAI Vice-President Lustosa spoke candidly and listed FUNAI's three main problems. Lustosa cited budgetary constraints as the number one concern. FUNAI's policy latitude is severely constrained by its meager annual budget of R\$107 million (Note: One can observe firsthand FUNAI's budgetary malaise reflected in the poor upkeep of its headquarters. Poloffs played &guess the floor8 on the elevator ride up to the executive suite because half of the buttons were not marked. Although cosmetically peppered with works of art, the drab walls of FUNAI also spoke of years of institutional neglect. End Note.). To make matters worse, a number of FUNAI employees went on strike recently to demand better employment benefits. FUNAI employees are now advocating the implementation of the FUNAI Careers and Appointments Plan (PCCS), which seeks foremost to provide FUNAI professionals with an organized career track. Lustosa cited FUNAI's sometimes nebulous role in the indigenous policy making network as the third problem area. To combat this ambiguity, FUNAI is being restructured to consolidate its lead authoritative position vis-a-vis indigenous policy. The creation of the National Council of Indigenous Policy (CNPI) will not dilute its power, but enhance its overarching governability, contends Lustosa.

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